IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 16360 of 2007(V)

PETITIONER:

P.M.VELAYUDHAN, PRESIDENT,
I.N.T.U.C., MANIYOOR PANCHAYATH COMMITTEE,
CHERANDATHOOR, MANIYOOR P.O., VADAKARA TALUK.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

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1. **DISTRICT COLLECTOR, KOZHIKODE.**

2. **SECRETARY, MANIYOOR GRAMA PANCHAYATH,**
   MANIYOOR P.O., VADAKARA.

3. **THE VILLAGE OFFICER, MANIYOOR.**

4. **STATE OF KERALA, REP. BY CHIEF**
   SECRETARY, SECRETARIAT, TRIVANDRUM.

***ADDL.R5 TO R8 ARE IMPLEADED:**

R5. ATTUPURATH KADEEJA,
P.O.PERANGANDOOR, VIA. PONMERI, KOZHIKODE.

R6. ATTUPURATH MOOSA HAJI,
P.O.PERANGANDOOR,
VIA. PONMERI, KOZHIKODE.

..2/-

R7. SARA THORATHIL,
P.O. MANIYOOR,
VIA. PAYYOLI, KOZHIKODE.

R8. VATTAKUNI MOIDEEN,
P.O.PERANDANGOOR,
VIA.PONMERI, KOZHIKODE.

(*ADDL.R5 TO R8 ARE IMPLEADED AS PER ORDER DTD. 24/07/2007 IN I.A.NO.8084/07)

BY GOVERNMENT PLEADER SRI. P.K.RAVISANKER for R1 to R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.16360/2007 V

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE LETTER SENT BY THE CENTRE FOR WATER RESOURCES DEVELOPMENT AND MANAGEMENT TO THE PETITIONER DTD. 5/01/2006.**

EXT.P2: **COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE 1ST RESPONDENT DTD. 18/04/07.**

EXT.P3: **COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE 1ST RESPONDENT DTD.NIL.**

EXT.P4: **COPY OF THE REPORT SENT BY THE VILLAGE OFFICER TO THE 1ST RESPONDENT DTD. 9/05/07.**

EXT.P5: **COPY OF THE MINUTES.**

/TRUE COPY/

P.A.TO JUDGE

KSS

K.M.JOSEPH, J.

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WP.(C) No. 16360 of 2007

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Dated this the 31st day of July, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner is the President of Indian National Trade Union Congress. It engages its workers for the purpose of sand mining activities in the river passing through the second respondent Grama Panchayat. The Centre for Water Resources Development and Management recommended the Panchayat to fix up seven kadavus and various other details were also recommended. The Panchayat closed down Pulondi kadavu without assigning any reason with effect from 20.12.2006. Sixty workmen, who were engaged in the kadavu, would be left without job unless urgent steps are taken is the further case of the petitioner. Accordingly they made Ext.P3 representation before the first respondent. It is the further case of the petitioner that they understood that the said kadavu was closed because the owner of the property near the kadavu raised objection. Pulondi kadavu has two sub kadavus, out of which one is Thykandi kadavu and the other is

Aattupurath kadavu. One Smt. Thorathil Sara, the additional seventh respondent raised objection. On the basis of the objection, the additional seventh respondent, the Village Officer, according to the petitioner, has inspected the site and gave Ext.P4 report. The prayers sought in the writ petition are for a writ of mandamus commanding the Panchayat and the District Collector to open Thykandy kadavu and permit the petitioner and workers engaged therein for the purpose of mining sand and transporting the same through Aattupurath kadavu and for a direction to take appropriate steps to negotiate the parties or by legal means to open the Aattupurath kadavu, which is closed down on the basis of the objection raised by some private parties.

2. I heard counsel for the petitioner and the learned Government Pleader.

3. I feel that a decision should be taken by the District Collector in the matter after affording an opportunity of hearing to all the parties. Petitioner has already filed Ext.P3 before the first respondent.

Accordingly the writ petition is disposed of directing the first respondent to consider and take a decision on Ext.P3 in accordance

with law after affording an opportunity of hearing to the petitioners, respondent No.2 and additional respondents 5 to 8. A decision in accordance with law will be taken within a period of six weeks from the date of production of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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